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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/330,975	06/11/1999	ANDREW EDWARD RYAN	UDL-078	1088

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DAVID P GORDON ESQ
65 WOODS END ROAD
STAMFORD, CT 06905

EXAMINER

CHANG, JUNGWON

ART UNIT	PAPER NUMBER
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2154

DATE MAILED: 11/23/2001

Please find below and/or attached an Office communication concerning this application or proceeding.

T.R

Office Action Summary

Application No.

09/330,975

Applicant(s)

RYAN, ANDREW EDWARD

Examiner

Jungwon Chang

Art Unit

2154

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 September 1999.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-15 are presented for examination.
2. It is noted that although the present application does contain line numbers in the claims, the line numbers in the claims do not correspond to the preferred format. The preferred format is to number each line of every claim, with each claim beginning with line 1. For ease of reference by both the examiner and applicant all future correspondence should include the recommended line numbering.
3. Claims 1-15 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
 - a. the following terms lack proper antecedent basis:
 - i. the identity – claims 1, 14;
 - b. the claim language in the following claims is not clearly understood:
 - i. as to claims 1 and 14, misuse of punctuation makes it very difficult to determine exactly which unit performs which functions;

as to claims 1 and 14, line 6, it is uncertain whether “the server” refers to “a remote server” in line 4.

- ii. as to claim 2, line 3-4, it is uncertain whether “the network resource” refers to “a particular network resource” in claim 1, line 6.

Claim Rejections - 35 USC § 103

- 4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

- 5. Claims 1-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Davies (US 5,608,387) in view of Diehl et al. (US 6,317,544 B1).

- 6. Davies was cited by applicant in IDS (paper #2).

- 7. As to claim 1, Davies discloses a client/server computer (col. 8, lines 3-4 and 24-26) wherein the identity of at least one complex image (col. 1, lines 55-67), selected from a plurality of complex images stored by a client (col. 4, lines 41-53).

8. Davies does not specifically disclose a distributed client/server computer network; and the identity of at least one complex image is transmitted to a remote server which determines, from the identity of the or each image selected, whether the client is authorized to gain access, via the server, to a particular network resource.

9. However, Diehl et al. disclose a distributed client/server computer network (col. 1, lines 36-40 and 64-65); and the identity of at least one complex image is transmitted to a remote server which determines, from the identity of the or each image selected, whether the client is authorized to gain access, via the server, to a particular network resource (Abstract, lines 4-14; col. 1, lines 49-55).

10. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Davies and Diehl et al. because Diehl et al.'s distributed client and server computer network would improve the capability of Davies's system by establishing a communication between a client and a server in the network thereby providing a client with access to the network resource (col. 1, lines 36-55).

11. As to claim 2, Davies discloses at least one key image and at least one dummy image, access to the network resource being gained by the client by selecting the or each key image in preference to the or each dummy image (col. 4, lines 20-23).

12. As to claims 3, Davies discloses the order in which two or more images are selected is used to determine whether the client is authorized to gain access to the resource (col. 4, lines 32-40).

13. As to claims 5, 8, and 15, Diehl et al. further disclose the plurality of images are downloaded from the server to the client (col. 1, lines 64-67; col. 2, lines 1-12; col. 9, lines 7-14).

14. As to claims 4, 6-7 and 9-11, Davies discloses the dummy images comprise a subset of the reminder of the plurality of images from which the or each key image is chosen (col. 3, lines 8-16); and an alternative set of images to those from which the key image or images are chosen, but which images bear a resemblance to the key image or images (col. 7, lines 61-65).

15. As to claims 12-13, Davies discloses the order in which two or more images are chosen determines the order in which the images must subsequently be selected (col. 8, lines 52-61).

16. As to claim 14, it is rejected for the same reasons set forth in the rejection of claims 1-13.

Conclusion

17. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

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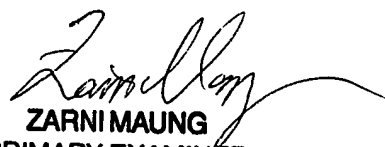
McCoy et al., patent 6,018,739, Jalili, patent 6,209,104 B1, Rallis et al., patent 6,216,230 B1 and Meyer, patent 6,157,943 disclose a method and system for identifying individuals using photographic data.

18. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jungwon Chang whose telephone number is (703)305-9669. The examiner can normally be reached on 9:00-5:30 (Monday-Friday).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on (703)308-9052. The fax phone numbers for the organization where this application or proceeding is assigned are (703)746-7239 for regular communications and (703)746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-3900.

Jungwon Chang
November 19, 2001


ZARNI MAUNG
PRIMARY EXAMINER